

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LOUIS PSIHOYOS and JAMES P. REED,

Plaintiffs,

v.

PEARSON EDUCATION, INC.; R.R.
DONNELEY & SONS, INC.; COURIER
CORPORATION; FAILSAFE DISK
COMPANY,

Defendants.

Case No. 10-cv-5912-JSR

Hon. J. Paul Oetken

**ECF CASE
Electronically Filed**

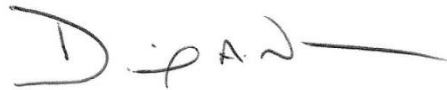
NOTICE OF MOTION FOR SANCTIONS UNDER RULE 11

PLEASE TAKE NOTICE that, pursuant to Rule 11 of the Federal Rules of Civil Procedure, Plaintiffs Louis Psihoyos and James P. Reed (“Plaintiffs”), by and through undersigned counsel, will and hereby do move the Court to enter sanctions against Defendant Pearson Education, Inc. (“Defendant”), R.R. Donneley & Sons, Inc. (“Donnelley”), Courier Corporation (“Courier”), Failsafe Disk Company (d/b/a Failsafe Media) (“Failsafe”) and their counsel and its counsel in this action for pleading and maintaining frivolous and baseless defenses in this action that Defendants and their counsel know have no factual basis or evidentiary support, and that Defendants and their counsel have asserted for improper purposes, including causing unnecessary delay and needlessly increasing the cost of litigation.

Plaintiffs request that the Court sanction Defendants by striking the frivolous defenses challenged on this Motion, and sanction Defendants and their counsel by awarding Plaintiffs their attorney's fees and expenses occurred in this litigation since at least May 12, 2011.

Dated: November 5, 2012
New York, New York.

NELSON & McCULLOCH LLP

A handwritten signature in dark ink, appearing to read "Danial A. Nelson", with a long horizontal stroke extending to the right.

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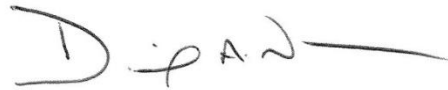
CERTIFICATE OF SERVICE

I, Danial A. Nelson, an attorney, hereby certify that I caused a true and correct copy of the foregoing document to be served via electronic mail on all counsel listed below

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Dated: November 5, 2012

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